

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:20-cv-00264

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**Laquaylan Patterson,**  
*Petitioner,*

v.

**United States of America,**  
*Respondent.*

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**ORDER**

Petitioner Laquaylan Patterson, proceeding pro se, filed this motion to vacate or correct sentence under 28 U.S.C. § 2255 challenging the legality of his conviction for bank robbery of the First National Bank in Big Sandy, Texas. After reviewing the pleadings, the magistrate judge issued a report recommending that the motion to vacate or correct sentence be denied. The magistrate judge determined that the movant's plea of guilty was knowing and voluntary, the movant did not receive ineffective assistance of counsel at trial or on appeal, and the movant consented to the taking of a second DNA sample.

In his objections, the petitioner argues that: the government deceived him by telling him they had a warrant to collect the second DNA sample when they did not; his consent for the second sample was not voluntary even though he maintained his innocence because he believed the government was trying to plant evidence; his co-defendant lied through the entire investigation; had counsel moved to suppress the DNA sample then petitioner would have insisted upon a trial; and he is entitled to an evidentiary hearing because disputed issues of fact exist.

Petitioner's objections essentially repeat claims he made in his petition, which were addressed by the magistrate judge. The magistrate judge correctly determined that petitioner did not overcome the evidence of his own words at the guilty plea proceeding. Regarding the collection of the second DNA sample, the

magistrate judge properly concluded that petitioner failed to show that his consent to the collection of this sample was involuntary. The remainder of petitioner's objections are likewise without merit.

Having reviewed the magistrate judge's report and the objections de novo, the court overrules petitioner's objections (Doc. 24) and accepts the report's findings and recommendations (Doc. 18). The motion to vacate or correct sentence (Doc. 1) is dismissed with prejudice. A certificate of appealability is denied.

*So ordered by the court on April 29, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge